

Remarks

Claims 1-11 remain pending in this application after entry of this paper. Claims 1-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Laubach et al. (U.S. Patent No. 6,081,533). Applicants believe that the invention is patentable.

Claim 1 recites a method for providing personalized interactive programming over a data path. The data path extends between a service provider and a set top box. The service provider is connected to a data network and has an address. The method comprises establishing a communication path between a broadband digital terminal and the set top box. The broadband digital terminal is connected to the data network. The method further comprises sending a private data packet from the service provider, over the network to the set top box. The private data packet contains application interface information and contains the service provider address. The method further comprises establishing an impulse pay-per-view communication path between the set top box and the service provider based upon the address to allow interactive programming between the service provider and the set top box.

Put another way, the invention comprehends sending application interface information and the service provider address in a private data packet from the service provider such that (instead of simply receiving streaming data) an impulse pay-per-view communication path between the set top box and the service provider is established to allow interactive programming between the service provider and the set top box. The invention personalizes the data sent on a private virtual channel between the provider and the broadband digital terminal. The use of the private data packets from the provider brings the interactivity of programming to a new level, not achieved by any known systems.

In combination with other features, claim 1 specifically recites sending the private data packet from the service provider, over the network to the set top box, and further recites that the packet contains application interface information and contains the service provider address. Still further, claim 1 recites establishing the impulse pay-per-view

communication path between the set top box and the service provider based upon the address, allowing interactive programming between the service provider and the set top box.

As exemplified by the detailed description and drawings, video/data service provider 12 broadcasts MPEG2 to video through broadband digital terminal 24 to set top box 30. The private data packet (PDP) is sent from video/data provider 12 and contains application interface information as well as the service provider address. That is, instead of simply sending streaming data, the service provider sends the private data packet through the broadband digital terminal to the set top box. In this way, based upon the address received in the private data packet, set top box 30 may establish an impulse pay-per-view communication path between the set top box 30 and the service provider 12 to allow interactive programming between the service provider and the set top box.

Laubach is far different than the invention. Laubach describes a method and apparatus for an application interface module in a subscriber terminal unit. The method of Laubach enhances the functionalities of a subscriber terminal unit (STU) or ADSL terminal unit (ATU) through the use of different types of application interface modules (AIMs). A slot is incorporated in the STU/ATU through which a detachable AIM can be inserted and electrically coupled to the STU/ATU. The hardware application interface module described in Laubach is wholly unrelated to applicants' invention. More specifically, Laubach fails to suggest the invention as recited by claim 1. More specifically, Laubach fails to suggest or recite the technique of using private data packets to establish an impulse pay-per-view communication path between the set top box and the service provider. The Examiner makes general references to portions of Laubach, but fails to suggest applicants' invention.

For example, the Examiner makes reference to col. 4, lines 54-64 and col. 16, lines 37-64 as suggesting the claimed technique of using private data packets to establish an impulse pay-per-view path. Again, Laubach fails to suggest the claimed invention. In col. 4, Laubach discusses packet data, ATM cells, RF signals, and also makes reference to the conversion of packet data to ATM cells and the conversion of ATM cells back into packet data.

However, claim 1 specifically recites the technique utilizing a private data packet and establishing an impulse pay-per-view communication path. There is no such suggestion in Laubach, Laubach only describes packets themselves in general as well as the use of the hardware application interface module (AIM). None of these items suggest the claimed innovative technique. In col. 16, Laubach discusses the AIM module, as well as cells and signals, video on demand functionality, etc. Again, these various references fail to suggest the claimed invention recited by claim 1 wherein private data packets are utilized to establish an impulse pay-per-view communication path.

The invention uses private data packets to establish an impulse pay-per-view communication path between the set top box and the service provider. Applicants' innovative technique has a number of advantages. The use of a hardware application interface module and the various discussions of cells and packets in Laubach are far different than the claimed invention which, as recited by claim 1, sends a private data packet from the service provider containing application interface information and containing the service provider address, and establishes an impulse pay-per-view communication path. Claim 1 is believed to be patentable.

Claims 2-4 are dependent claims and are also believed to be patentable.

Claim 5 is an independent claim for a system of the present invention and is also believed to be patentable. Claim 5 recites similar subject matter as independent claim 1 including the use of the private data packet containing application interface information and the destination address as well as establishing an impulse pay-per-view data path extending from the set top box to the broadband digital terminal.

Claims 6-11 are dependent claims and are also believed to be patentable.

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Allowance of claims 1-11 is respectfully requested.

Respectfully submitted,
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